

REMARKS

Claims 1 through 6, 8 through 10, and 13 through 18 were presented for examination in the present application. The instant amendment cancels claims 1 through 6 and 8 through 10. Thus, claims 13 through 18 are presented for consideration upon entry of the instant amendment, which is respectfully requested.

Claims 1 through 6 and 8 through 10 were rejected under over U.S. Patent No. 6,331,381 to Chaudhari et al. (Chaudhari). It is respectfully submitted that the cancellation of these claims renders these rejections moot.

Claims 13 and 16 were rejected under 35 U.S.C. §102(b) over Chaudhari. Claims 14, 15, 17, and 18 were rejected under 35 U.S.C. §103(a) over Chaudhari.

Independent claim 13 requires a mask that is “deformed in a plane perpendicular to the substrate (emphasis added).”

The Office Action asserts that Figures 3 and 4 of Chaudhari disclose this feature. Specifically, the Office Actions asserts that the edge of Chaudhari’s mask is perpendicular to the substrate. While it may be argued that the edge of Chaudhari’s mask is perpendicular to the substrate, independent claim 13 requires a mask that is deformed in a plane perpendicular to the substrate.

Applicants have reproduced in Appendix A Figures 3a and 4a of Chaudhari. It can be clearly seen that Chaudhari discloses a mask that is parallel to the substrate.

In contrast, independent claim 13 requires a mask that is “deformed in a plane perpendicular to the substrate”. By way of example, Applicants have also reproduced in Appendix A Figure 10(a) of the present application. Figure 10a illustrates an exemplary embodiment of the invention according to claim 13. Here, it can be seen that the mask is deformed in a plane perpendicular to the substrate as required by claim 13.

It is respectfully submitted that the mask that is parallel to the substrate disclosed by Chaudhari simply does not disclose or suggest the mask deformed in a plane perpendicular to the substrate as required by claim 13.

The Office Action further asserts that the “deformed” element required by claim 13 is a product-by-process limitation that does not recite structure.

Applicants also respectfully traverse this assertion. Specifically, Applicants submit that claim 13 defines the structure of the mask, which is deformed in a particular plane. Thus, the “deformed” element of claim 13 is a structural element that further modifies the “mask” element and, thus, is not a process limitation.

Accordingly, independent claim 13, as well as claims 14 through 18 that depend therefrom, are believed to be in condition for allowance.

In addition, claims 14, 15, 17, and 18 are each believed to be in condition for allowance.

Claims 14 and 17 require “an external force” that is “exerted on the mask for deforming the mask”. The Office Action asserts that the “external force” element required by claims 14 and 17 are product-by-process limitations that do not recite structure.

Applicants respectfully traverse this assertion.

Applicants submit that claims 14 and 17 define the structure of the apparatus for forming an alignment layer. In these claims, the apparatus includes an “external force” element that is “exerted on the mask for deforming the mask”. Thus, the “external force” element of claims 14 and 17 are a structural element that further modify the apparatus and, thus, are not process limitations.

Claims 15 and 18 require the mask to be “dynamically deformable”. The Office Action also asserts that the “dynamically deformable” element required by claims 15 and 18 are product-by-process limitations that do not recite structure.

Applicants also respectfully traverse this assertion.

Applicant respectfully submits that the apparatus of claims 15 and 18 requires a “dynamically deformable” mask. Thus, the “dynamically deformable” element of claims 15 and 18 are a structural element that further modify the “mask” element and, thus, are not process limitations.

Accordingly, it is submitted that claims 14, 15, 17, and 18 define the structure of the apparatus.

The Office Action acknowledges that Chaudhari does not explicitly disclose claims 14, 15, 17, or 18.

However, with respect to the “external force” element of claims 14 and 17 and “dynamically deformable” element of claims 15 and 18, the Office Action asserts that the mask of Chaudhari is made of a material that is capable of deformation and that it would have been obvious to exert a force to deform the mask.

Applicants submit that Chaudhari is at best silent regarding the material of the mask. Thus, Chaudhari does not disclose or suggest a material that is capable of deformation as asserted by the Office Action. Since Chaudhari does not disclose or suggest a material that is capable of deformation, one skilled in the art would have no motivation to apply the external force to modify Chaudhari as asserted by the Office Action. Moreover, even if Chaudhari did suggest a material capable of deformation, there is simply no motivation in Chaudhari to apply an external force to deform the mask in the manner claimed.

Accordingly, claims 14, 15, 17, and 18 are each believed to be in condition for allowance.

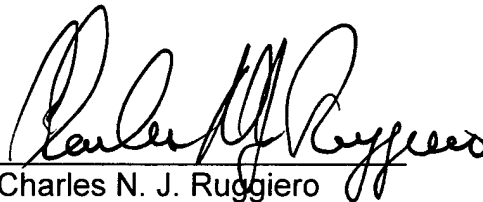
In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment are respectfully requested.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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